

[NOT YET SCHEDULED FOR ORAL ARGUMENT]

**IN THE UNITED STATES COURT OF APPEALS
FOR THE D.C. CIRCUIT**

Architects & Engineers for 9/11 Truth, et al.,
Appellants,

v.

Gina Raimondo, in her official capacity as
Secretary of Commerce, et al.,
Appellees.

No. 22-5267

**UNOPPOSED MOTION OF THE UNITED STATES FOR A
30-DAY EXTENSION OF TIME TO FILE RESPONSE BRIEF**

The United States respectfully moves the Court for a 30-day extension of time, to and including March 20, 2023, within which to file its appellee brief. Appellants do not oppose the motion.

1. Appellants filed their opening brief on January 17, 2023. The government's response brief is due February 16, 2023. The government has not requested any prior extensions, and no oral argument date has been set.

2. The requested extension is necessary to allow the government adequate time to prepare its response. Mark Stern and Catherine Padhi are the Department of Justice attorneys with responsibility for preparing and filing the government's brief in this case.

Mr. Stern, the supervising attorney on this matter, has supervisory responsibility for several other appellate matters during and shortly after the current briefing period, including but not limited to: *Brody v. Dep't of Justice*, No. 22-5043 (D.C. Cir.) (oral argument presented January 23); *Buchanan v. Barr*, Nos. 22-5133, 22-5139 (D.C. Cir.) (appellee brief filed January 23); *Soul Quest Church of Mother Earth, Inc. v. DEA*, No. 22-11072 (11th Cir.) (oral argument presented January 25); *Abbott v. United States*, No. 22-5492 (6th Cir.) (oral argument presented January 25); *Range v. Garland*, No. 21-2835 (3rd Cir.) (supplemental brief filed January 25); *Bulger v. Hurwitz*, No. 22-1106 (4th Cir.) (oral argument presented January 26); *Soul Quest Church of Mother Earth, Inc. v. DEA*, No. 22-11052 (11th Cir.) (appellee brief filed January 27); *In re. Aearo Techs LLC*, No. 22-2606 (7th Cir.) (amicus brief filed February 1); *Avalos v. United States*, No. 21-2008

(Fed. Cir.) (opposition to rehearing petition filed February 2); *Martin v. United States*, No. 21-2255 (Fed. Cir.) (opposition to rehearing petition filed February 6); *Pritchard v. United States*, No. 22-1386 (6th Cir.) (oral argument presented February 7); *Range v. Garland*, No. 21-2835 (3rd Cir.) (en banc oral argument scheduled for January 25); *Saline Parents v. Garland*, No. 22-5258 (D.C. Cir.) (appellee brief due February 16); *Daugherty v. Sheer*, No. 22-5103 (D.C. Cir.) (appellee brief due February 21); *Blumberger v. Tilley*, No. 22-56032 (9th Cir.) (appellee brief due March 6); *Aggarwal v. DEA*, No. 22-1718 (9th Cir.) (respondent brief due March 10); *Gillespie v. Dep't of Navy*, No. 22-2166 (4th Cir.) (appellee brief due March 13); *Am. Reliable Ins. Co. v. United States*, No. 22-6014 (appellee brief due March 13); *Anderson v. United States*, No. 22-55965 (9th Cir.) (appellee brief due March 15); *USA Sales, Inc. v. U.S. Trustee*, No. 21-55643 (9th Cir.) (reply brief due March 15); *Am. Oversight Inc. v. HHS*, No. 22-5281 (D.C. Cir.) (appellee brief due March 15); *Ctr. for Biological Diversity v. U.S. Int'l Dev. Fin. Corp.*, No. 22-5095 (D.C. Cir.) (oral argument scheduled for March 16).

Ms. Padhi has responsibility for other appellate matters including: *Jack Daniel's Properties, Inc. v. VIP Products LLC*, No. 22-148 (S. Ct.) (amicus brief filed January 18); *Logic Tech. Dev. LLC v. FDA*, No. 22-3030 (3rd Cir.) (respondent brief filed January 24); *Hearth, Patio & Barbecue Ass'n v. Dep't of Energy*, No. 22-1286 (D.C. Cir.) (reply brief filed February 3); *Laible v. Lanter*, No. 22-5496 (6th Cir.) (presenting oral argument on March 8); *Aggarwal v. DEA*, No. 22-1718 (9th Cir.) (respondent brief due March 10), as well as for several other internal Department matters related to the Solicitor General's process for determining whether to authorize appeals.

3. In light of these litigation matters, the government respectfully requests a 30-day extension of time, to and including March 20, 2023, to prepare the response brief. A 30-day extension will not appreciably delay the resolution of the case, and counsel will exercise diligence in preparing the brief in the time requested.

4. Appellants' counsel has indicated that appellants do not object to this extension of time.

CONCLUSION

For the foregoing reasons, we respectfully ask that the Court extend the filing date for the government's response brief by 30 days, to and including March 20, 2023.

Respectfully submitted,

Mark B. Stern

/s/ Catherine Padhi

Catherine Padhi

Attorneys

Civil Division, Appellate Staff

U.S. Department of Justice

950 Pennsylvania Ave., N.W., Room 7712

Washington, D.C. 20530

(202) 514-5091

FEBRUARY 2023

CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), I hereby certify that this motion complies with Federal Rule of Appellate Procedure 27(d)(1)(E) because it was prepared with Palatino Linotype 14-point, a proportionally spaced font with serifs, and the motion complies with Federal Rule of Appellate Procedure 27(d)(2) because it contains 663 words, according to the word count of Microsoft Word.

/s/ Catherine Padhi

Catherine Padhi

CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2023, I electronically filed the foregoing with the Clerk of the Court by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

/s/ Catherine Padhi

Catherine Padhi